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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,951	05/03/2001	Jeffrey A. Herman	83000.946C2/P2867C2/MG	8808

22804 7590 08/23/2004

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/848,951		HERMAN ET AL.	
	Examiner		Art Unit	
	Chuck Kendall		2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 05/03/01.
2. Claim 1 has been cancelled and claims 2 –28 are pending.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 2 - 28 is rejected under the judicially created doctrine of double patenting over claim 1 of U. S. Patent No. 5,954,826 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Application limitations	Equivalent Prior Art limitations
Claim 2 : " a method... obtaining a first set of file information of at least one reference file; obtaining a second set of file information of at least one source file; accessing data stored in said at least one reference file using said first set of file information, and data stored in said at least one source file using said second set of file information, obtaining data analysis criteria for analyzing said data stored in said at least one reference file against said data stored in said at least one source file;... displaying results of said analyzing to a user via a data analysis interface."	Claim 1: " a method.... receiving reference file input information receiving source file input information... receiving data analysis criteria from the user via said data analysis interface; performing data analysis using said reference file input information, source file input information, and data analysis criteria; and displaying results of said data analysis to the user via said data analysis interface".
Claim 3: "...wherein said obtaining said first set of file information further comprises displaying an interface in response to said user selecting a page tab".	Claim 2: " wherein at least one of said reference file input interface, said source file input interface, and said data analysis interface comprises a page, and wherein at least one of said steps of displaying comprises displaying a respective interface in response to the user selecting a respective page tab.
Claim 4: "...	Claim 3:"...

wherein said displaying said interface further comprises displaying file information of a plurality of files from a plurality of file directories".

Claim 5: "...wherein said displaying said interface further comprises displaying a directory display area from which a user can select a directory, and from which said user can select said at least one reference file from said directory".

Claim 6: "...wherein said displaying said interface further comprises displaying, in a message display area, a message associated with said at least one reference file."

Claim 7.

Claim 8.

Claim 9.

Claim 10.

Claim 11.

Claim 12.

Claim 13.

Claim 14.

Claim 15.

Claim 16: "...computer program product of claim 11, further comprising computer readable program code configured to cause said computer to display an analysis criteria selection area from which said user can select said data analysis criteria."

wherein said step of displaying said reference file input interface comprises: **displaying a directory display area** from which the user can **select a directory**, and from which the user can select a reference file from a selected directory".

Claim 4: "...method of claim 3, wherein said step of displaying said reference file input interface further comprises: displaying a reference file display area comprising a list of selected reference files".

Claim 5: "... wherein said displaying said interface further comprises displaying, in a message display area, a message associated with said at least one reference file."

Claim 8.

Claim 11.

Claim 9.

Claim 10.

Claim 12.

Claim 13.

Claim 14.

Claim 15.

Claim 16.

Claim 19: " wherein said computer readable program code configured to cause a computer to display said data analysis interface comprises:
... program code configured to cause a computer to display an analysis criteria selection area from which the user can select said data

analysis criteria...".

Claim 17.

Claim 22.

Claim 18.

Claim 20:

Claim 19.

Claim 21.

Claim 20.

Claim 23: "In a computer system, an apparatus comprising:

"a processor ; a memory medium coupled to said processor a computer program executing in said memory medium said computer program in a computer System, an apparatus comprising:

a first set of file information comprising at least one reference file;

a reference file input interface from which a user selects reference file input information;

a second set of file information comprising at least one source file;
data stored in said at least one reference file accessible using said first set of file information, and data stored in said at least one source file accessible using said second set of file information;
data analysis criteria for analyzing said data stored in said at least one reference file against said data stored in said at least one source file; and a user interface for displaying results of said analyzing said data.

a source file input interface from which the user selects source file input information; and

....data analysis interface from which the user selects data analysis criteria, said data analysis interface displaying results of data analysis performed using said reference file input information, said source file input information, and said data analysis criteria.

Note: Regarding the processor and

memory medium coupled to processor not mentioned in Prior art's claim, Examiner believes this limitation to be inherent, the function of analyzing and selection of files

	in a computer system would require a
	processor and some form of memory.
Claim 21.	Claim 24.
Claim 22.	Claim 25.
Claim 23.	Claim 26.
Claim 24.	Claim 27.
Claim 25.	Claim 30.
Claim 26.	Claim 33.
Claim 27.	Claim 31.
Claim 28.	Claim 32.

The difference between the claimed invention and the prior art is merely the use of similar language and arrangement of claims, otherwise the claims read identically.

Correspondence Information

4. Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam *can be* reached at (703) 305-4552.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to central FAX number 703-872-9306 and 703-7467240 draft.

Ck.



TUAN DAM
SUPERVISORY PATENT EXAMINER